

1 On February 8, 2012, Plaintiff filed a motion seeking
2 an award of attorney's fees and a bill of costs, citing Rule 54,
3 Federal Rules of Civil Procedure and Rule 54.2(b), Local Rules
4 of Civil Procedure for the United States District Court for the
5 District of Arizona. See Doc. 66 & Doc. 67. Defendants filed
6 an objection to the motion on February 17, 2012, see Doc. 68,
7 and Plaintiff filed a reply (Doc. 69) on February 23, 2012.
8 Plaintiff seeks "approximately \$13,000 in fees." Plaintiff
9 also seeks reimbursement for costs in the amount of \$1,334.95.

10 In opposition, Defendants contend that the offer of
11 judgment provided that the costs and attorney's fees to be
12 awarded Plaintiff included only attorney's fees "accrued up to
13 the date of the offer." Doc. 73 at 4. Defendants argue that,
14 because the offer of judgment expressly and specifically denied
15 liability and any damages, Plaintiff is prohibited from seeking
16 an award of fees and costs pursuant to the FDCPA's provision for
17 an award of attorney's fees and costs to a prevailing plaintiff.
18 Defendants note that Plaintiff filed the motion for fees and
19 costs and the bill of costs without any memorandum of points and
20 authorities. Defendants also note that Plaintiff seeks costs
21 for serving parties other than the Defendants.

22 In reply, Plaintiff concedes that he is not entitled to
23 an award of fees incurred after the date of acceptance of the
24 offer of judgment. See Doc. 74 at n.1.

25 The FDCPA contains a mandatory fee shifting provision,
26 stating that successful plaintiffs are entitled to actual
27 damages, statutory damages of up to \$1,000, and "the costs of
28 the action, together with a reasonable attorney's fee as

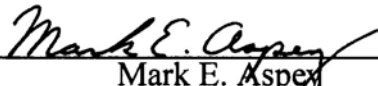
determined by the court...." 15 U.S.C. § 1692k(a)(3). See also Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 978 (9th Cir. 2008). "Successful plaintiffs" are those who have obtained an award of statutory or actual damages. See Dechert v. Cadle Co., 441 F.3d 474, 475 (7th Cir. 2006). A party who accepts an offer of judgment that does not specifically waive the party's right to collect attorney's fees may pursue attorney's fees. Nusom v. Comh Woodburn, Inc., 122 F.3d 830, 833 (9th Cir. 1997).

Plaintiff seeks an award of fees in the amount of \$14,087.50, representing 72.2 hours of legal work. See Doc. 71 at 9. Plaintiff has agreed that this amount must be diminished by the fees accrued after the offer of judgment was accepted, i.e., \$1995.00.¹ The Court finds that the fees sought and the time expended are reasonable with regard to this particular case. Plaintiff also seeks costs in the amount of \$1334.95.

Accordingly,

IT IS ORDERED that Plaintiff's motion (Doc. 67) seeking an award of attorneys' fees and costs is **granted**. Defendants shall pay to Plaintiff his attorneys' fees in the amount of \$12,092.50 and costs in the amount of \$1334.95.

DATED this 14th day of June, 2012.



Mark E. Asper
United States Magistrate Judge

¹ The Court arrived at this number by multiplying the hours itemized by each member of the subject legal team after the date of the offer of judgment by the hourly rate charged by each person.